

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:
FIRESTAR DIAMOND, INC. *et al.*,
Debtors.

Chapter 11
Case No. 18-10509 (SHL)
(Jointly Administered)

BANK OF INDIA, BHARAT DIAMOND
BOURSE BRANCH,

Appellant,

v.

RICHARD LEVIN, Chapter 11 Trustee of
FIRESTAR DIAMOND, INC., FANTASY,
INC., and OLD AJ, INC. f/k/a A. JAFFE, INC.,

Appellee.

No. 1:22-cv-8718-JLR

BANK OF INDIA (LONDON BRANCH),
UNION BANK OF INDIA (UK) LTD.,
RECEIVERS OF FIRESTAR DIAMOND BVBA
(on behalf of BANK OF INDIA (ANTWERP
BRANCH)),

Appellants,

v.

RICHARD LEVIN, Chapter 11 Trustee of
FIRESTAR DIAMOND, INC., FANTASY, INC.,
and OLD AJ, INC. f/k/a A. JAFFE, INC.,

Appellee

No. 1:22-cv-8729-JLR

**~~PROPOSED~~ ORDER CONSOLIDATING APPEALS AND AMENDING BRIEFING
SCHEDULES**

WHEREAS the Bank Of India, Bharat Diamond Bourse Branch (“BOI-BDBB”) filed a Notice of Appeal to the Southern District of New York on October 5, 2022 appealing the September 22, 2022, Order Granting Summary Judgment to the Liquidating Trustee and dismissing the claim of BOI-BDBB submitted in the *In re Firestar Diamond, Inc., et. al.*, No. 18-10509 (SHL) bankruptcy (the “BOI-BDBB’s Appeal”); and

WHEREAS the Bank Of India (London Branch), Union Bank Of India (Uk) Ltd.,

Receivers Of Firestar Diamond BVBA (On Behalf Of Bank Of India (Antwerp Branch)) (collectively the “Banks”, and together with BOI-BDBB, the “Appellate Banks”) filed a Notice of Appeal to the Southern District of New York on October 5, 2022, also appealing the September 22, 2022, Order Granting Summary Judgment to the Liquidating Trustee and dismissing the claims of the Banks submitted in the *In re Firestar Diamond, Inc., et. al.*, No. 18-10509 (SHL) bankruptcy (the “Banks’ Appeal”); and

WHEREAS the Appellant Banks have conferred with counsel to Richard Levin, the Liquidating 11 Trustee (the “Trustee”, and together with Appellant Banks the “Parties”) for the Firestar entities (collectively, the “Debtors”) and the Parties have agreed that it would be in their best interest, and this Court’s, to consolidate the briefing for BOI-BDBB’s Appeal and the Banks’ Appeal in light of the similar nature of the facts and legal issues presented in the respective appeals and the fact that the appeals concern the same September 22, 2022, Order; and

WHEREAS, the Parties wish to further amend the briefing schedule in BOI-BDBB’s Appeal and the Banks’ Appeal due to counsel’s schedule and the Appellant Banks wish to increase the word count limitations due to the extensive factual and procedural history that has developed over the four year course of these disputes;

IT IS HEREBY ORDERED THAT the briefing for the appeals shall be consolidated and that a single joint brief shall be submitted for the cases given the similarity of the facts and legal issues being presented to this Court from that September 22, 2022, Order; and

IT IS FURTHER ORDERED THAT that the word limitations for the Appellants’ and the Appellee’s briefs be increased to 10,000 words and the Appellants’ reply brief be increased to 5,000 words, respectively, given the consolidation of two different briefing schedules into a single briefing schedule and the extensive factual and procedural history that has developed over four years of these disputes; and

IT IS FURTHER ORDERED THAT that the briefing schedule is hereby amended such that the initial brief deadline for the Appellant Banks be extended to **February 3, 2023**, and that the Appellee’s brief shall be submitted on or before **March 13, 2023**, and that the Appellant’s Reply brief shall be submitted on or before **April 3, 2023**.

January 3, 2023
Dated: ~~December 30, 2022~~
New York, New York

So Ordered: Jennifer A Rochon
Hon. Jennifer A Rochon